

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**OLLIE GREENE, *et al.*,**

**Plaintiffs**

**v.**

**TOYOTA MOTOR CORPORATION, *et al.*,**

**Defendants.**

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§

**CAUSE NUMBER: 3:11-cv-0207-N**

**APPENDIX IN SUPPORT OF THE TOYOTA DEFENDANTS'  
REPLY BRIEF IN SUPPORT OF THEIR MOTION TO EXCLUDE THE TESTIMONY  
OF PLAINTIFFS' EXPERT KEITH FRIEDMAN**

TO THE HONORABLE COURT:

COME NOW, Defendants Toyota Motor Corporation, Toyota Motor Engineering & Manufacturing North America, Inc., and Toyota Motor Sales, U.S.A., Inc. (collectively “the Toyota Defendants”) and would respectfully show the Court as follows:

<b>EXHIBIT</b>	<b>DESCRIPTION</b>	<b>PAGE NUMBERS</b>
Exhibit A	Deposition of Dr. Joseph Burton	App. 1-9
Exhibit B	Expert Report of Dr. Joseph L. Burton	App. 10-11

Respectfully submitted,

/s/ Kurt C. Kern

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**ATTORNEYS FOR DEFENDANTS  
TOYOTA MOTOR CORPORATION,  
TOYOTA MOTOR ENGINEERING &  
MANUFACTURING NORTH AMERICA,  
INC., AND TOYOTA MOTOR SALES,  
U.S.A., INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been forwarded to all known counsel of record in this cause in accordance with the Federal Rules of Civil Procedure on this 21<sup>st</sup> day of April, 2014.

/s/ Jude T. Hickland

JOSEPH L. BURTON, M.D. - 1/30/2014

Page 1

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

OLLIE GREENE, INDIVIDUALLY, )  
AS THE SURVIVING PARENT )  
OF WYNDELL GREENE, SR., )  
WILLIAM GREENE, AS THE )  
REPRESENTATIVE OF THE )  
ESTATE OF WYNDELL GREENE, )  
SR., AND MARILYN )  
BURDETTE-HARDEMAN, )  
INDIVIDUALLY AND AS THE )  
SURVIVING PARENT OF )  
LAKEYSHA GREENE, )

Plaintiffs, )

vs. )

TOYOTA MOTOR CORPORATION, )  
TOYOTA MOTOR MANUFACTURING )  
NORTH AMERICA, INC., AND )  
TOYOTA MOTOR SALES USA, )  
INC., VOLVO GROUP NORTH )  
AMERICA, INC., VOLVO TRUCKS )  
NORTH AMERICA, A DIVISION )  
OF VOLVO GROUP NORTH )  
AMERICA, INC, STRICK )  
CORPORATION, INC., JOHN )  
FAYARD MOVING & WAREHOUSE, )  
LLC AND DOLPHIN LINE, INC., )

Defendants. )

CIVIL ACTION FILE

NO: 3-11CV-0207-N

VIDEOTAPED DEPOSITION OF JOSEPH L. BURTON, M.D.

ALPHARETTA, GEORGIA

THURSDAY, JANUARY 30, 2014

JOSEPH L. BURTON, M.D. - 1/30/2014

Page 2

1 January 30, 2014

2 9:58 a.m.

3  
4  
5  
6 Videotaped deposition of  
7 JOSEPH L. BURTON, M.D., held at the offices  
8 of Burton & Associates, 13784 Highway 9,  
9 Alpharetta, Georgia before  
10 Tanya L. Verhoven-Page, Certified Court  
11 Reporter and Notary Public of the State of  
12 Georgia.  
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APP 2

1 APPEARANCES OF COUNSEL

2 On behalf of the Plaintiffs:

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On behalf of Volvo Group North America, Inc.:

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10 On behalf of Strick Corporation, Inc.:

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(214) 760-1670

1 encountered, yes.

2 Q Now, I have shown you in the past the  
3 actual report authored by the air force and the  
4 interview with Captain Bedding after this event, have  
5 I not?

6 MR. PITTMAN: Objection. Form.

7 THE WITNESS: I don't know if  
8 you've shown it to me, but it's my Human  
9 Tolerance bibliography, that report.  
10 Whether I got it from you or some other  
11 source I don't honestly know or remember.

12 BY MR. DAWSON:

13 Q All right. Do you remember that the  
14 medical staff and the conclusions in that report  
15 stated that Captain Bedding would have more likely  
16 than not died had he not had immediate medical help  
17 on the scene?

18 MR. PITTMAN: Objection. Form.

19 THE WITNESS: It did say that, yes.

20 BY MR. DAWSON:

21 Q Thank you.

22 Now, AO dislocations are associated with  
23 instantaneous loss of consciousness, are they not?

24 A Many times. Very frequently, yes.

25 Q And so do you know whether or not

## E R R A T A S H E E T

Pursuant to Rule 30 (7) (e) of the Federal Rules of Civil Procedure and/or Georgia Code Annotated 81A-130 (B) (6) (e), any changes in form or substance which you desire to make to your deposition testimony shall be entered upon the deposition with a statement of the reasons given for making them.

To assist you in making any such corrections, please use the form below. If supplemental or additional pages are necessary, please furnish same and attach them to this errata sheet.

---

I, the undersigned, JOSEPH L. BURTON, M.D., do hereby certify that I have read the foregoing deposition, and that to the best of my knowledge, said deposition is true and accurate (with the exception of the following corrections listed below).

Page\_\_\_\_\_ Line\_\_\_\_\_ should read:\_\_\_\_\_

Reason for change:\_\_\_\_\_

Page\_\_\_\_\_ Line\_\_\_\_\_ should read:\_\_\_\_\_

Reason for change:\_\_\_\_\_

Page\_\_\_\_\_ Line\_\_\_\_\_ should read:\_\_\_\_\_

Reason for change:\_\_\_\_\_



1 Page\_\_\_\_\_ Line\_\_\_\_\_ should read:\_\_\_\_\_

2 Reason for change:\_\_\_\_\_

3 Page\_\_\_\_\_ Line\_\_\_\_\_ should read:\_\_\_\_\_

4 Reason for change:\_\_\_\_\_

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6 Reason for change:\_\_\_\_\_

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16 Reason for change:\_\_\_\_\_

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19 \_\_\_\_\_  
Signature

20

21

22 \_\_\_\_\_, Notary Public.

23 This the\_\_\_\_\_ day of\_\_\_\_\_, 2014.

24 My Commission Expires: TLP

25

## 1 D I S C L O S U R E

2  
3 STATE OF GEORGIA ) DEPOSITION OF:4  
5 FULTON COUNTY ) JOSEPH L. BURTON, M.D.  
67 Pursuant to Article 8.B of the Rules and  
8 Regulations of the Board of Court Reporting of the  
9 Judicial Council of Georgia, I make the following  
disclosure:10 I am a Georgia Certified Court Reporter. I am  
here as a representative of Merrill Corporation.11 Merrill Corporation was contacted by the offices  
12 of Bowman and Brooke, LLP to provide court reporting  
services for this deposition. Merrill Corporation  
13 will not be taking this deposition under any contract  
that is prohibited by O.C.G.A. 15-14-37 (a) and (b).14 Merrill Corporation has no contract or agreement  
15 to provide court reporting services with any party to  
the case, or any reporter or reporting agency from  
16 whom a referral might have been made to cover the  
deposition.17 Merrill Corporation will charge its usual and  
18 customary rates to all parties in the case, and a  
financial discount will not be given to any party in  
19 this litigation.  
20  
2122 \_\_\_\_\_  
23 Tanya L. Verhoven-Page,  
24 Certified Court Reporter,  
25 B-1790.

## 1 C E R T I F I C A T E

2  
3 STATE OF GEORGIA:

4 FULTON COUNTY:

5  
6 I hereby certify that the foregoing  
7 deposition was reported, as stated in the  
8 caption, and the questions and answers  
9 thereto were reduced to written page  
10 under my direction, that the preceding  
11 pages represent a true and correct  
12 transcript of the evidence given by said  
13 witness.14 I further certify that I am not of  
15 kin or counsel to the parties in the  
16 case, am not in the regular employ of  
17 counsel for any of said parties, nor am I  
18 in any way financially interested in the  
19 result of said case.20 Dated this 11th day of February,  
21 2014.22  
23 \_\_\_\_\_  
24 Tanya L. Verhoven-Page,  
25 Certified Court Reporter,  
B-1790.



**GREENE V. TOYOTA**

**Burton & Associates Case No: 12-024**

**Prepared for: Aubrey Pittman**

**Report date: November 20, 2013**

**Report by: Joseph L. Burton, M.D.**

A handwritten signature in dark ink, appearing to be 'J. Burton', written over a horizontal line.

(Signature line)

### **Section #3:**

#### **Opinions and Support of Opinions**

- I. It is my opinion that Lakeysa Greene, Wesleigh Greene and Wyndell Greene, Jr., died as a consequence of traumatic injuries received as a consequence of the collision sequence; most probably sustained in the lateral impact of their vehicle into the rear of the tractor-trailer.**
- II. It is my opinion that Wyndell Greene, the 35-year-old male driver of the Toyota, died as a consequence of the fire and not of traumatic injuries received in the crash sequence.**

**Detailed autopsies were performed on each occupant at issue and include the following findings:**

**1. DALLAS COUNTY M.E. REPORT FOR LAKEYSHA GREENE (POS. #3):**

The autopsy of Lakeysa Greene was conducted on May 28, 2010 at 9:30 am at the Southwestern Institute of Forensic Sciences in Dallas, Texas by Lynn Salzberger, M.D., M.E.

The body is received wearing white panties, a pink braier, and purple t-shirt. The articles of clothing are charred. The body weighs 158 lbs and is 65 inches long.

Evidence of injury: Blunt force injuries and post mortem burns are present.

Lacerations and abrasions are at the frontal hairline. Bulbar hemorrhage is on the right eye. Blood is oozing from the left external auditory canal. The left ear is severely lacerated at the superior aspect of the helix. A gapping laceration is on the left side of the chin/jaw.

Subscapular hemorrhages overly the frontal bone and the right tempoparietal region.

A massive, gapping hinge fracture is present at the base of this skull with associated severe comminution of the middle and posterior cranial fossate. The temporal bones are comminuted. Linear fractures extend through the calvarium. The nasal bone is fractured.

Dense subarachnoid hemorrhage overlies the base and convexities of the brain. No subdural or epidural hemorrhages are present. The temporal and cerebellar loads are lacerated. The pontomedullary junction is lacerated. The pons, cerebellum and temporal poles are contused.